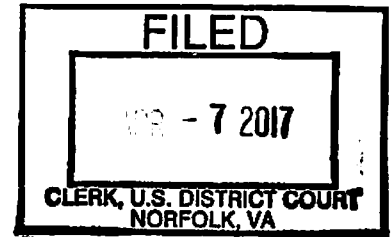


**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division**



TAMMY McNEIL, et al.,

Plaintiffs,

v.

Civil Action No. 4:15-cv-81

FANEUIL, INC.,

Defendant.

ORDER

This matter is before the court on Plaintiffs' Motion to Compel Discovery (ECF No. 131). Plaintiffs seek production of documents and information related to their Fair Labor Standards Act ("FLSA") claims against Defendant. The motion was briefed by the parties, and the court held a hearing on April 6, 2017. For the reasons stated on the record, the court **ORDERS** Defendant to produce the following categories of materials within the custody or control of the Defendant by **April 17, 2017**:

- **Payroll Information** – All remaining payroll information, including all records of hours worked by, and payments to opt-in class members generated during the class period
- **Timekeeping System/Software Transition Information** – All documents or information related to Defendant Faneuil, Inc.'s transition between payroll systems, except that email correspondence regarding this category will be subject to the production schedule detailed below under "**Emails**"
- **Computer Log-On/Off and Security Badge Swipe Records** – All documents, information, and/or logs detailing the times opt-in class members logged on or off their computers or used their security badges to enter or exit company offices during the class period
- **Performance Metrics Policy Information** – All documents establishing, describing, or generally enforcing the performance metrics used by Defendant

to evaluate Customer Service Representatives (“CSRs”), including information detailing general enforcement or application of those metrics, but not including individual evaluations

The court further ORDERS that Defendant produce the following categories of material subject to the conditions detailed below:

- **Emails** – Plaintiffs are directed to designate fifteen (15) custodians and no more than twenty (20) search terms – not including the names of the custodians – by **April 14, 2017**. Once notified, Defendant shall produce any responsive emails within two weeks, and no later than **April 28, 2017**. Any email correspondence that concerns the categories of information listed above (i.e., payroll information, timekeeping software changes, computer/security badge logs, and performance metrics) shall also be produced according to this schedule
- **Email Logs** – Plaintiffs are directed to identify twenty-five (25) opt-in class members and a ninety (90) day period within the class period by **April 14, 2017**. Once notified, Defendant shall produce the logs of email information for the corresponding class members within two weeks, and no later than **April 28, 2017**
- **Third-Party Software** – Any documents concerning the use, training, or function of third-party software used by CSRs shall be produced by **April 24, 2017**

Finally, the court ORDERS that Plaintiffs be permitted to conduct further depositions as made necessary by the production of the above materials. Such depositions shall be completed by **May 8, 2017**.

IT IS SO ORDERED.


Douglas E. Miller
United States Magistrate Judge

DOUGLAS E. MILLER
UNITED STATES MAGISTRATE JUDGE

April 7, 2017
Newport News, Virginia